

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

2 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**In Re: **Melissa Panniel**Case No.: **16-19302**

Judge: _____

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS - AMENDED☐ Original☒ Modified/Notice Required

Date: _____

☐ Motions Included☐ Modified/No Notice RequiredTHE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney _____ Initial Debtor: **M P** _____ Initial Co-Debtor _____

Part 1: Payment and Length of Plan

- a. The debtor shall pay **232.00 Monthly*** to the Chapter 13 Trustee, starting on ____ for approximately **84** months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
 - ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property
Description:
Proposed date for completion: _____
 - ☐ Refinance of real property:
Description:
Proposed date for completion: _____
 - ☒ Loan modification with respect to mortgage encumbering property:
Description: **Debtor has received a loan modification**
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ **NONE**

- a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Candye SMith-Sklar	Attorney Fees	1,800.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
- ☒ None
 - ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim

pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Wells Fargo Home Mortgage	43 Sherbrooke Road Trenton, NJ 08638 Mercer County Wells Fargo Home Mortgage	10,511.95	0.00	10,511.95	1,200.00

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Santander Consumer Usa	2009 Toyota Camry 85000 miles Santander	17,183.00	5,286.00	None	5,286.00	0.00	5,286.00
United Home Energy Inc. its successors	43 Sherbrooke Road Trenton, NJ 08638 Mercer County Wells Fargo Home Mortgage	500.00	155,000.00	Mortgage Wells Fargo Home Mortgage - 215,600.00	No value	N/A	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ■ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ■ NONE

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan □ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
Chase Auto	2008 Audi A4 125,000 miles	6,667.04

Part 5: Unsecured Claims ■ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$___ to be distributed *pro rata*

☐ Not less than ___ percent

☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor Arrears to be Cured in Nature of Contract or Lease Treatment by Debtor Post-Petition Payment Plan

Part 7: Motions ☐ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
United Home Energy Inc. its successors	43 Sherbrooke Road Trenton, NJ 08638 Mercer County Wells Fargo Home Mortgage	500.00	155,000.00	Mortgage Wells Fargo Home Mortgage - 215,600.00	-60,600.00	500.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Santander Consumer Usa	2009 Toyota Camry 85000 miles Santander	17,183.00	5,286.00	5,286.00	11,897.00

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or

coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.
Date of Plan being modified:.

Explain below why the plan is being modified:	Explain below how the plan is being modified:
Plan is modified to add mortgage arrears for Specialized Loan Servicing as per Consent Order entered on 9/3/19.	Modified plan to add mortgage arrears for Specialized Loan Servicing as per Consent Order entered on 9/3/19.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☐ NONE

☒ Explain here:

*This plan is a step plan or has lumpsum payments as follows: \$232.00 per month for 46 months, then \$405.79 per month for 38 months

Student loans to be paid outside of plan
Debtor just completed chemotherapy and radiation treatments for breast cancer. Debtor was planning to go back to work but is directly impacted by CORVID-19 since she is one of the vulnerable people that need protection. Accordingly, since she has been directly impacted by the virus, we spread her plan out to 84 months

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: <u>April 12, 2020</u>	<u>/s/ Melissa Panniel</u> Melissa Panniel Debtor
Date: _____	_____ Joint Debtor
Date <u>April 12, 2020</u>	<u>/s/ Candyce SMith-Sklar</u> Candyce SMith-Sklar Attorney for the Debtor(s)

United States Bankruptcy Court
District of New JerseyIn re:
Melissa Panniel
DebtorCase No. 16-19302-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 27

Date Rcvd: Apr 14, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 16, 2020.

db +Melissa Panniel, 43 Sherbrooke Road, Ewing, NJ 08638-2416
 aty +Phelan Hallinan Diamond & Jones, 1617 JFK Boulevard, Suite 1400,
 Philadelphia, NJ 19103-1814
 cr +HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR, Phelan Hallinan & Schmieg, PC,
 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
 cr +JPMORGAN CHASE BANK, N.A., c/o Winston & Winston, P.C., 750 Third Avenue, Suite 923,
 New York, NY 10017-2703
 516387236 American InfoSource LP as agent for, DIRECTV, LLC, PO Box 5008,
 Carol Stream, IL 60197-5008
 516174070 Chase Auto, P.O. Box 901003, Columbus, OH 43224
 516174071 +Chase Mtg, Po Box 24696, Columbus, OH 43224-0696
 516174072 +Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999
 516405145 HSBC BANK USA, NATIONAL ASSOCIATION AS TRU, ET AL., Default Document Processing, N9286-01Y,
 1000 Blue Gentian Road, Eagan, MN 55121-7700
 518466461 +HSBC Bank USA, N.A. Trustee (See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 516243093 JPMorgan Chase Bank, N.A., National Bankruptcy Department, P.O. BOX 901032,
 Ft. Worth, TX 76101-2032
 516174073 +N J L, 225 E State St Ste 1, Trenton, NJ 08608-1800
 516228341 Santander Consumer USA, Attn: Bankruptcy Dept., PO Box 560284, Dallas, TX 75356-0284
 516174075 +Santander Consumer Usa, Po Box 961245, Ft Worth, TX 76161-0244
 516174076 +Shapiro & DeNardo, LLC, 14000 Commerce Parkway, Suite B, Mount Laurel, NJ 08054-2242
 518133278 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,
 Highlands Ranch, Colorado 80129-2386
 518133279 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,
 Highlands Ranch, Colorado 80129, Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 516174077 +Transnatl, 1162 St Georges Av, Avenel, NJ 07001-1263
 516252381 US Department of Education, Claims Filing Unit, PO Box 8973, Madison, WI 53708-8973
 516174078 +Us Dept Of Ed/glelsi, Po Box 7860, Madison, WI 53707-7860
 517384006 Wells Fargo Bank, N.A., Default Document Processing, Mac# N9286-01Y,
 1000 Blue Gentian Road, Eagan MN 55121-7700
 516174080 +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 15 2020 01:33:12 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Apr 15 2020 01:33:07 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516301949 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 15 2020 01:41:42
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838
 516245128 E-mail/Text: bk.notifications@jpmchase.com Apr 15 2020 01:32:43 JPMorgan Chase Bank, N.A.,
 National Bankruptcy Department, P.O. Box 29505 AZ1-1191, Phoenix, AZ 85038-9505
 516174079 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Apr 15 2020 01:31:10
 Verizon, 500 Technology Dr Ste 30, Weldon Spring, MO 63304-2225

TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516174074 N J L & P S Credit Un
 lm* +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335
 cr ##+Santander Consumer USA Inc., 8585 N. Stemmons Fwy., Ste 1100-N, Dallas, TX 75247-3822
 516174069 ##+Aaron Sales & Lease Ow, 1015 Cobb Place Blvd Nw, Kennesaw, GA 30144-3672

TOTALS: 1, * 1, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 27

Date Rcvd: Apr 14, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 16, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 12, 2020 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Aleksander Piotr Powietrzynski on behalf of Creditor JPMORGAN CHASE BANK, N.A.
alex@winstonandwinston.com
Andrew L. Spivack on behalf of Creditor HSBC Bank USA, National Association as Trustee for
GSMPS Mortgage Loan Trust 2005-RP1 nj.bkecf@fedphe.com
Candyce Ilene Smith-Sklar on behalf of Debtor Melissa Panniel mail@njpalaw.com,
r56958@notify.bestcase.com
Charles G. Wohlrab on behalf of Creditor HSBC Bank USA, National Association as Trustee for
GSMPS Mortgage Loan Trust 2005-RP1 cwohrlab@LOGS.com, njbankruptcynotifications@logs.com
Craig Scott Keiser on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR
GSMPS MORTGAGE LOAN TRUST 2005-RP1 craig.keiser@law.njoag.gov
Craig Scott Keiser on behalf of Creditor HSBC Bank USA, National Association as Trustee for
GSMPS Mortgage Loan Trust 2005-RP1 craig.keiser@law.njoag.gov
James Patrick Shay on behalf of Creditor HSBC Bank USA, National Association as Trustee for
GSMPS Mortgage Loan Trust 2005-RP1 shay@bbs-law.com, jpshay@gmail.com
John R. Morton, Jr. on behalf of Creditor Santander Consumer USA Inc. ecfmail@mortoncraig.com,
mortoncraigecf@gmail.com
Kevin Gordon McDonald on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE
FOR GSMPS MORTGAGE LOAN TRUST 2005-RP1 kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Kevin Gordon McDonald on behalf of Creditor HSBC Bank USA, National Association as Trustee
for GSMPS Mortgage Loan Trust 2005-RP1 kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Robert Davidow on behalf of Creditor HSBC Bank USA, National Association as Trustee for
GSMPS Mortgage Loan Trust 2005-RP1 nj.bkecf@fedphe.com

TOTAL: 13